L R Civ P 16.1 Form (03/2020)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA AT BECKLEY

Matthew Gibson		
v.	CASE NO.	5:21-cv-00181
Louise E. Goldston, et al.		

REPORT OF PARTIES' PLANNING MEETING

Guideline for parties and attorneys:

The parties are advised to use the Worksheet for Report of Parties' Planning Meeting (located on the Court's website at www.wvsd.uscourts.gov) and the suggested Guidelines contained in the form's comments.

1. Pursuant to Rule 26(f) of	the Federal Rules of Civil Procedure, a meeting was held or		
6/11/21	. Those participating were:		
John Bryan	for plaintiff(s)		
Kevin Robinson	for defendant(s)	County Commission, et. al.	
Jennier Tully	for defendant(s)	Goldston	
Arie Spitz	for defendant(s)	Lusk	

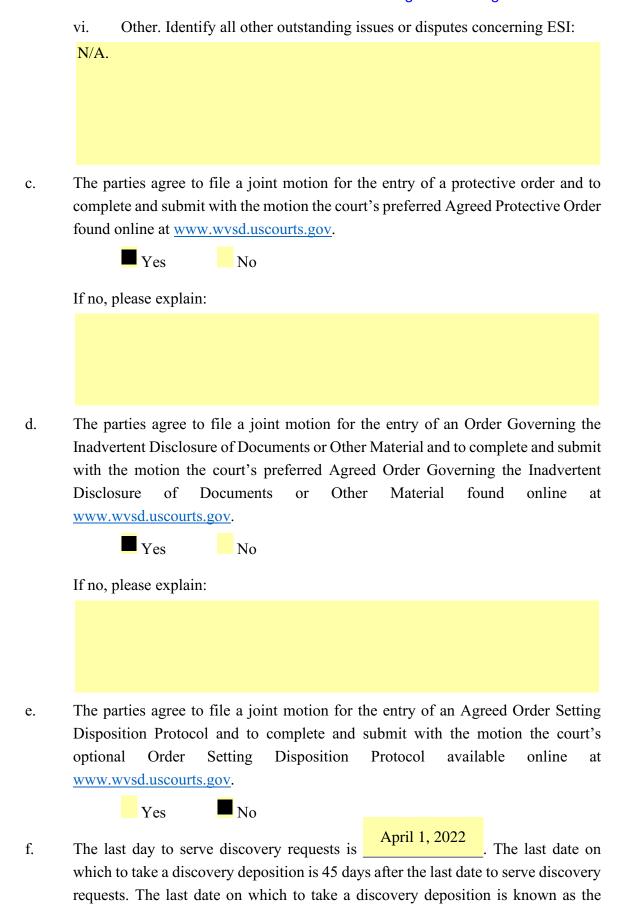
- 2. Pre-Discovery Initial Disclosures. The parties will exchange by July 20, 2021 the information required by Fed. R. Civ. P. 26(a)(1).
- 3. Plaintiff(s) should be allowed until July 11, 2021 to join additional parties and until July 11, 2021 to amend the pleadings. Defendant(s) should be allowed until August 11, 2021 to join additional parties and until August 11, 2021 to amend the pleadings.

4.		ery Plan. The parties jointly propose to the court the following discovery plan [Us raphs or subparagraphs as necessary if the parties disagree.]:	
	a.	Discovery will be needed on the following subjects:	
		The hearing which is at issue in this matter and liability and damages generally.	
	b.	The parties have reviewed Local Rule 26.5 and have discussed how th preservation, discovery, and disclosure of electronically stored information ("ESI' should be handled, including the following:	
	 It is likely that one or more parties will seek discovery of electron stored information such as emails, files or documents stored on a serv computer, or other electronic documents. 		
		■ Yes No	
		(If No, no other fields in Section 4.b need to be completed.)	
		The parties have generally agreed upon a format for production of ESI, as follows	
		Parties will follow rules of Federal Procedure. Production will be in PDF format.	
		ii. The parties believe it is possible that metadata may be relevant in this case such as the date stamp when an electronic document was created comodified.	
		Yes No	
		The parties have generally agreed upon a format for production of such metadata as follows:	

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iii.	At this time, the parties have agreed on what ESI is "reasonably accessible" as defined in R. 26(b)(2)(B).		
	Yes	No	
If no, i	identify the nat	ure of any dispute:	
The in	nformation curr	ently stored on any parties server or third-party server.	
iv.	_	es agreed on any search protocol for review of electronic data hods to filter the data?	
	Yes	No	
If yes,	please describe	z.	
Partie	s shall work on	this during the course of discovery.	
If no, p	please identify	what issues remain outstanding:	
N/A.			
v.	Are there any please describ	unresolved issues pertaining to the preservation of ESI? If so, e:	
N/A.			

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Case 5:21-cv-00181 Document 21 Filed 06/15/21 Page 5 of 6 PageID #: 330 all issues "discovery completion date." [Discovery on to be completed by May 15, 2022 __.] The parties adopt the discovery limits set forth in the Federal Rules of Civil g. Procedure. Yes No If the parties and attorneys believe that more discovery is needed, the basis for that belief is: h. The parties believe that this case requires additional judicial oversight such as special case management procedures or regularly held conferences. No Yes If yes, please describe why the case requires additional judicial oversight and the type of oversight requested: i. Reports from retained experts under Rule 26(a)(2) due: By the party bearing the burden of proof on an issue: December 10, 2021. By the party not bearing the burden of proof on an issue: January 7, 2022 Expert witness disclosures intended solely to contradict or rebut evidence on the same issue identified by another party: February 4, 2022 Magistrate judges will resolve all discovery disputes. The parties do not consent have a United States Magistrate Judge conduct any further proceedings in this case, including trial, and order the entry of a final judgment. Mediation shall take place on or before May 20, 2022

Potential dispositive motions shall be filed by

replies filed according to the Local Rules.

May 20, 2022 , with responses and

5.

6.

7.

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8. The parties request a pretrial conference in June 2022

The Plaintiff(s) shall submit a proposed pretrial order to Defendant(s) on or before June 3, 2022

The Defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before June 17, 2022.

- 9. Where applicable, proposed jury instructions shall be exchanged and transmitted to chambers of the presiding judicial officer in Microsoft Word format on or before June 24, 2022
- 10. Where applicable, findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in Microsoft Word format on or before June 24, 2022
- 11. A final settlement conference will take place on eek of June 20, 202
- 12. The case shall be ready for trial by July 2022, and at this time is expected to take approximately 4 days.

The parties do not request a conference with the court before the entry of the scheduling order.

_{s/}John H. Bryan

Signature

John H. Bryan (WVSB# 10259) JOHN H. BRYAN, ATTORNEY AT LAW 411 Main Street P.O. Box 366 Union, WV 24983

Counsel for: Plaintiff

S/Arie S. Spitz

Signature

Arie S. Spitz (WVSB# 10867) Kevin A. Nelson (WVSB# 2705) Jason L. Holliday (WVSB# 12749) DINSMORE & SHOHL LLP P.O. Box 11887 Charleston, WV 25339-1887

Counsel for: Kyle Lusk

s/Kevin J. Robinson

Signature

J. Victor Flanagan (WVSB# 5254) Kevin J. Robinson (WVSB# 10181) PULLIN FOWLER FLANAGAN BROWN & POE 252 George Street Beckley, WV 25801

Counsel for: Counsel for: McPeake, Brian White and Bobby Stump

S/Jennifer E. Tully

Signature

Jennifer E. Tully (WVSB# 9356) Adam K. Strider (WVSB# 12483) BAILEY & WYANT, PLLC 500 Virginia Street, East, Suite 600 P.O. Box 3710 Charleston, WV 25337-3710

Counsel for: Louise E. Goldston